

Application No. 10/632,268

AMENDMENT AND RESPONSE AFTER FINAL dated November 11, 2005

Reply to Office Action of September 20, 2005

REMARKS

I. Introduction

Claims 1-26 are pending. Claims 1-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 2,778,687 (Hegstad). In addition, it also appears that claims 1-26 may be further rejected under 35 U.S.C. § 102(b) as being anticipated by US 3,266,737 (Ness). Applicants respectfully submit that neither Hegstad nor Ness disclose a plurality of discrete ramps at the lower margin of the nozzle outlet that extend forwardly and downwardly therefrom. In support, Applicants submit a Declaration of Christian T. Gregory, one of the inventors of the present invention. Applicants respectfully request reconsideration and allowance of the application in light of the attached Declaration and response herein.

As discussed in further detail below, the Declaration of Christian T. Gregory is being presented in response to the continued rejection of claims 1-26 in view of Hegstad and to more clearly illustrate the orientation of the walls 31 in Hegstad. More specifically, the declaration is necessary to clarify the disclosure of Hegstad directly from the perspective of one of ordinary skill in the art. Applicants now sufficiently understand the Examiner's rejection. Based on this understanding, Applicants respectfully submit that the figures of Hegstad do not show clearly enough the intended surface orientation of walls 31 such that it would be possible to misinterpret the disclosure. The attached Declaration provides three-dimensional modeling done by one of the inventors to more clearly show that Hegstad plainly does not disclose or suggest the claimed surfaces. Thus, Applicants respectfully submit that they have made the requisite showing under 37 C.F.R. § 1.116 necessary for consideration of this Declaration after final rejection

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and, therefore, ask the Examiner to enter and consider the Declaration of Christian T. Gregory.

II. Ness

Applicants continue to submit that Ness only discloses a single ramp 56 that angles rearwardly from the nozzle outlet. Ness does not disclose a plurality of ramps or even a ramp that extends forwardly of the nozzle outlet.

III. Hegstad

Applicants also continue to submit that Hegstad does not show a plurality of ramps at the lower margin of the nozzle outlet that extend forwardly and downwardly therefrom. The rejection states that “[w]alls 31 do angle forwardly and downwardly and is evidenced by the boundary of walls 31 shown in figure 3.” Applicants respectfully disagree with this characterization of Hegstad and provide the attached Declaration of co-inventor Christian T. Gregory, which includes three-dimensional computer models of the spray nozzle of Hegstad, as further evidence.

As demonstrated by the attached Declaration, walls 31 are distinct from the claimed discrete ramps for a number of reasons. First, the walls 31 of Hegstad do not extend from the lower margin of the nozzle outlet as claimed. The walls 31 are on the *sides* of the nozzle outlet. Second, the walls 31 are not angled, but are *vertical* surfaces in the sides of the spray nozzle. The walls 31 do not extend downwardly and forwardly from the nozzle lower margin as claimed. (Gregory Declaration, ¶ 12, and Figures 1-7 in Exhibits 1 and 2.)

As illustrated in the three-dimensional views in the Declaration, Applicants respectfully submit that the wall 31 only appears to angle in the two-dimensional Hegstad Figure 3 because walls 31 are milled out of a V-shaped groove with a

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cylindrical cutter mill 32 (*see also* Hegstad, Col. 2, line 70 to Col. 3, line 18).

(Declaration, ¶ 11.)

Accordingly, Applicants respectfully request withdrawal of the rejection to claims 1-26.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: November 11, 2005



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